

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

GINN DOOSE,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 1:11-CV-01882 NJV

ORDER REQUIRING FURTHER
BRIEFING RE COURT'S JURISDICTION

(Doc. No. 20)

In preparation for the upcoming hearing on Wal-Mart Stores, Inc.'s motion to dismiss, the Court ORDERS the parties to file a supplemental brief addressing whether the Court has jurisdiction in this action. Specifically, the Court notes that Plaintiff removed her own action from state court to this Court. *See* Doc. No. 1. Only defendants, however, may remove a case to federal court. *See* 28 U.S.C. §§ 1441(a), 1446(a); *see also In re Walker*, 375 F.2d 678 (9th Cir. 1967) ("No right exists in favor of a person who, as plaintiff, has filed an action in state court, to cause the removal of such action to federal court"); *Okot v. Callahan*, 788 F.2d 631, 633 (9th Cir. 1986) ("Removal is available only to defendants"); *Desouza v. Albin*, 1993 U.S. Dist. LEXIS 15267 (N.D. Cal. Oct. 12, 1993) (dismissing removal notice and remanding to state court because plaintiff failed to meet statutory requirements for removal as he was not a defendant in state action). The supplemental briefs shall be no longer than 3 pages and shall be filed on or before January 18, 2012.

IT IS SO ORDERED.

Dated: January 11, 2012


NANDOR J. VADAS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

GINN DOOSE,

No. 1:11-CV-1882 NJV

Plaintiff,

CERTIFICATE OF SERVICE

v.

WAL-MART STORES, INC.,

Defendant.

I, the undersigned, hereby certify that on January 11, 2012, I served a true and correct copy of the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Ginn Doose
P.O. Box 2310
Clearlake, CA 95422

Dated: January 11, 2012

/s/ *France Jaffe*
France Jaffe
Law Clerk to the
Honorable Nandor J. Vadas